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Prof. Molodtsov has taken part in many international conferences, including the Geneva Conference on Maritime Law (1958) and the Washington Conference on Antarctica (1959). He is the author of such works as "The International Law Regime of the Open Seas", "The Legal Regime of Antarctica", "The Principle of Unanimity in the Security Council", and a manual on international law.

The Aim Is Lasting Peace

In recent years I have been to many countries of the world, to continents near and far. I have met and spoken with people of different nationalities and races, political and religious views. The main theme was invariably peace.

I have not met anyone who is indifferent to the destinies of the world, who does not want to see war prevented. Unfortunately, there are such people on our planet. The enemies of peace are active in a number of countries, preparing to plunge the world into a destructive nuclear rocket war. They are the revenge-mongers, the ultras and other "wild men" who refuse to reckon with people's aspirations to peace. They are not many, but they are dangerous.

Any conflict, even one flaring up in the most remote corner of the globe, can today develop into a world war. The distinguishing trait of present-day international relations is interdependence of political, economic and strategic interests, of the security of states. Developments in one part of the world are often re-echoed in another.

Since there are opposing military groupings, a local conflict may involve many other states. One graphic illustration, for instance, is the Caribbean crisis in the autumn of 1962, when mankind found itself on the brink of a world war.

No country will be able to escape the fatal consequences of a world thermonuclear war. Consequently, the task now confronting all mankind is prevention of war. The peoples

of the world want peace to prevail on our planet and to see controversial issues settled without recourse to force—through negotiations and equitable agreements

There are states in this world of ours with different social and political systems—socialist countries, capitalist countries, and countries which have chosen the non-capitalist path of development. In these circumstances, it is necessary to ensure their peaceful co-existence

Peaceful co-existence primarily presupposes settlement of international disputes by peaceful means. But it is not confined only to that. It also implies equality of states, non-interference in one another's domestic affairs, the right to national self-determination, respect for sovereignty and territorial integrity, promotion of international co-operation on a basis of complete equality and mutual benefit, and mutual understanding and confidence

These principles of peaceful co-existence are not the wish or demand of a group of states. No, they are the principles of the United Nations, which has been established to save mankind from the scourge of war, to settle international disputes by peaceful means. The UN Charter binds all countries to observe these principles, including the states which are not members of the organization

What is more, the principles of peaceful co-existence have now become a fact characteristic of relations between states with different social systems

Some Western politicians and jurists affirm that the UN Charter is based on the principles of friendly relations among states and not on the principles of peaceful co-existence. Such artificial opposition of the policy of peaceful co-existence to the concept of friendly relations does not hold water inasmuch as peaceful co-existence presupposes promotion of friendly relations which invariably develop in an atmosphere of mutual understanding and confidence.

Recognition by the United Nations of the need for the peaceful co-existence of states with different social systems is an important factor for the preservation of peace. This recognition alone, however, is not enough. It is also indispensable to take practical steps to translate the principles of peaceful co-existence into reality.

The best way of guaranteeing lasting peace would be general and complete disarmament under strict international control. The Soviet Union drew up a programme of such disarmament and advanced it back in 1959. The idea was unanimously approved in the United Nations. Its practical realization, however, is meeting with artificial obstacles raised by the Western Powers. The path to a world without wars will be opened the moment humanity overcomes these obstacles.

The concerted efforts of many states have of late led to a measure of success in improving the international climate and easing tension in Great-Power relations. One of the factors contributing to this is the conclusion of the treaty banning nuclear tests in the atmosphere, in outer space and under water. The Soviet-American agreement not to orbit vehicles carrying nuclear and other mass-destruction weapons is another step towards the settlement of international issues.

The decision reached by the Soviet and US governments to reduce the output of fissile materials for nuclear weapons has given rise to new hopes. It will undoubtedly help further improve international relations and curb the arms race.

Heartened by these peace acts, ordinary people expect their governments to take more resolute and bold steps towards agreements which would pave the way for general disarmament and lasting peace.

A New Step Towards Ensuring Peace

On the eve of 1964 the Soviet Government sent a message to all heads of states and governments proposing an agreement renouncing force as a means of settling territorial and border disputes.

This Soviet government's proposal has been assessed by representatives of different states and political affiliations as an important effort to eliminate acute international conflicts and strains.

The late Premier Jawaharlal Nehru informed that the Indian government on the whole agreed with the approach outlined in the Soviet government's proposals. President Kwame Nkrumah of Ghana replied that, viewing the pro-

blem from global positions, he felt that he fully concurred with the idea of renouncing force as a means of settling border disputes and territorial conflicts. He also agreed that such renunciation should be secured by some international agreement or convention.

The Soviet initiative was fully supported in the reply messages received from the governments of Czechoslovakia, Bulgaria, Poland, the United Arab Republic, Algeria and other countries.

The Soviet proposals were highly appreciated by peace-lovers everywhere. The well-known British philosopher Lord Russell said they were admirable. Stressing that he fully agreed with them, he added that he was sorry that the West had not immediately accepted them as an important step towards banning war as a means of settling disputes in this atomic age.

Krishna Menon, the well-known Indian social leader and statesman, said that the Soviet proposals were "a major contribution to world peace."

Kaoru Yasui, the Japanese scholar and specialist in international law, said: "Today, when revenge-seeking elements in some countries are raising dangerous territorial claims, the governments and leaders of all countries should support the Soviet proposals."

There was also some sceptical and even critical comments from people who automatically reject all Soviet proposals. But their attacks on the lofty ideals of peace and international friendship were drowned in the torrent of popular demand that the war should be outlawed, in the sober and realistic approach to this problem by the overwhelming majority of the world's statesmen and social leaders.

At the same time some of the official replies reveal that there is yet much to be done before the peace idea of Soviet Government proposals is finally recorded in an international treaty.

Past Lessons Should Not Be Forgotten

Human history convincingly proves that very many military conflicts and wars between states were the result of territorial claims. The political map of the world has

been recarved and state frontiers revised more than 8,000 times under the peace treaties alone. Instead of disappearing, territorial disputes have become more numerous and dangerous.

Aggrandizement plans have engendered tricky theories to justify aggression. The so-called theory of natural frontiers, invented in the 16th century, is still in circulation. According to this theory, states must be separated from one another by natural barriers designed as frontiers by Nature herself: seas, big rivers, mountain ranges. If a state has no such "natural frontiers", it can conquer them, says the theory.

Louis XIV set up special state bodies—the "reunification chambers"—in which jurists worked to create "legal grounds" for France's expansion. King Frederick II of Prussia got along without such institutions. In his "testaments" he cynically wrote that, if opportunity offered itself, one should conquer any territory or country one took fancy to, and after that one could find jurists and historians who would "justify" such conquests and substantiate the conqueror's "indisputable right" to conquered lands.

Highly popular between the First and Second World Wars, especially in nazi Germany, was the theory of "living space", which justified the conquest of any country proclaimed by the aggressor as "living space" indispensable to his existence.

Until recently, the only "justification" for the seizure of territories in Asia, Africa and Latin America was brute force. The sphere of operation of international law, Western politicians and jurists claimed, did not extend to these peoples. "If the inhabitants of the territory concerned are an uncivilized or extremely backward people, deemed to be incapable of possessing a right of sovereignty," wrote American jurist Hyde, "the conqueror may, in fact, choose to ignore their title, and proceed to occupy the land as though it were vacant."

Such was, and still is, the "argument" advanced by the colonialists who have always striven to conquer and keep lands in the "uncivilized world".

Seizure of territories and enslavement of nations have ever been concomitant of aggressive wars, both in the remote past and today. Both world wars began with ter-

ritorial claims and invasion. On the eve of World War I Kaiser Germany made a series of demonstrative attempts to seize territory in various parts of the world. The Entente countries, on the other hand, had concluded secret agreements to recarve the map of the world.

On the eve of World War II the territorial claims of the fascist states were of an utterly unceremonious and global nature.

Falling back upon the vast "historical experience" of their predecessors—aggressors of all shades and hues—the fascists made territorial claims a pretext to unleash the Second World War. In the course of it the Axis Powers altered state frontiers using their own discretion, trampling the elementary rights of the enslaved nations. The war started by the fascist aggressors took a toll of more than 50,000,000 lives and brought incalculable grief and suffering to the peoples of the world.

The political map of the world was set right again after the war. The national states which had existed before and the frontiers which had been violated were restored in the course of the postwar settlement of territorial issues, and territorial changes were effected by agreement in the interests of justice and international security.

Life Demands It

The revenge-seeking elements in some of the former Axis countries openly say that they "disagree" with the just postwar delineation of frontiers and demand their revision. They make no secret of the fact that they plan first to seize the territories which were incorporated in other states to make good for the consequences of aggression and guarantee security in the future.

There are influential quarters in West Germany, for instance, who are trying to prove that the frontiers of the German Federal Republic should be the German frontiers of 1937. In other words, they are insisting on the revision of frontiers destined by the Potsdam Agreement which the Allied Powers signed in 1945. The West German militarists want to absorb the German Democratic Republic and have to this end proclaimed its frontiers "a provisional

demarcation line". Revanchist demands for some of the Kurile Islands have been raised in Japan.

Such claims are fraught with danger for peace. Unless an end is put to them in good time, they may eventually lead to another world war.

Moreover, there are quite a few territorial disputes in various parts of the world which are not linked with post-war settlement. As a rule, they date back to the remote past. These disputes are too many to be enumerated here. We shall mention but some of them.

In Europe, for instance, there have been frequent disputes between Spain and Britain over Gibraltar. There are also territorial differences between the Republic of Ireland and Britain over Northern Ireland and between Austria and Italy over Southern Tyrol.

In Latin America, there are heated disputes between Ecuador and Peru over the frontier along the upper reaches of the Amazon and between Bolivia and Chile over border areas along the Lauca River. The possession of the Falkland Islands is disputed by Argentina and Britain.

There are just as many territorial conflicts and disputes in Asia. The Indian-Chinese frontier dispute remains unsettled. Pakistan is claiming Kashmir which constitutes part of India. And Pakistan and Afghanistan have not yet adjusted their differences over Pushtunistan. These and other territorial issues imperil the political independence of the countries recently delivered from the colonial yoke and prevent them from concentrating on overcoming the century-old backwardness and poverty engendered by colonialism.

"Tensions resulting from actual or threatened aggression", the late Premier Nehru rightly said in his reply to the Soviet Government proposals, "inevitably lead to diversion, inescapable under the circumstances but nevertheless unproductive and wasteful of scarce resources of these poor countries in building up of adequate defences and retard the achievement of the main objective, namely concentration of all efforts and resources in securing the betterment of the people of these countries."

Relations between Israel and the Arab countries have been aggravated to the utmost by territorial issues. The

Israeli government's intention to divert the waters of the River Jordan to the detriment of the Arab countries evoked a sharp reaction on their part at the beginning of this year and showed once again that disputes in this part of the world were extremely dangerous.

Very complicated are the frontier problems which the new African states have inherited along with other pernicious aftermaths of colonialism. In Africa, President Nkrumah said, where the frontiers imposed by the colonialists and the imperialists were most illogical and unlawful, there was a very serious and constant danger of frontier conflicts thwarting African aspirations for unity.

There were three territorial conflicts in Africa in 1963—between Morocco and Algeria, Dahomey and Niger, and Somalia and Ethiopia. These conflicts definitely delayed the consolidation of their independence and impaired the interests of their peoples. Hailing the Soviet Government proposals, the Algerian representative in the United Nations pointed out that there was "no dearth of external forces ready to take advantage of all possible friction among the African states to regain if only a part of the positions they have lost on our continent".

Indeed, there have been quite a few instances when imperialist states deliberately provoked border conflicts between other countries in order to send troops there, ostensibly to "help" or "mediate", and thus restore their rule.

The states usually advance arguments relating to history and ethnography, blood affinity, religion, and so on, in justification of their territorial claims. It often happens that the arguments of one state are countered by just as convincing arguments offered by another. In these cases it is, naturally, extremely difficult to establish who is right because frontiers took shape under the influence of many factors. To solve this problem by inflaming passions and aggravating mutual enmity is absolutely inadmissible. Attempts to settle territorial disputes by force do not simplify matters. On the contrary, they further complicate them because they engender a thirst for revenge and a desire to regain the lost territory.

I have already spoken of the catastrophic consequences of a local military conflict in present-day conditions, when

a "local" war in any part of our planet can develop into a world thermonuclear war. That is why the solution of territorial disputes by force is contrary to the vital interests of all countries and is fraught with colossal danger for mankind. Since, as we know, there are many territorial disputes and border conflicts in the world today, it is necessary to reach a general agreement to banish from international life the possibility of employing force in resolving these problems.

If states, proceeding from the principles of peaceful co-existence and an international agreement based on them, display goodwill and mutual understanding, they will find a satisfactory solution for any territorial dispute, however complicated it may be. For is it not clear that peaceful settlement of disputes creates conditions for considering the issue calmly, thoroughly and objectively and for eradicating the very source of differences.

"We realize that some countries have weighty reasons for their claims. In all current frontier disputes between states the sides must, of course, study the matter thoroughly in order to settle these issues. We are wholly for this. The only thing we are against is the military methods of solving territorial disputes. This is what we should agree upon, precisely upon this," is stated in Soviet proposals.

Life itself in this age of hydrogen bombs and ballistic missiles demands that states take cognizance of historical experience in international relations and create a system of clear-cut legal standards of general nature which would preclude the possibility of settling territorial disputes by force of arms.

Territorial Integrity and International Law

In the past the states sometimes proclaimed the need to recognize the inviolability of their established frontiers. In some cases these acts brought positive results, but on the whole they were not effective. The principle of territorial integrity clashed with the policy they pursued and with the substance of the international law they elaborated to regulate interstate relations. For centuries, international law allowed states to resort to war to settle their differences. The result was their desire to be stronger than others in

order not to be defeated and to satisfy their claims by force of arms whenever possible.

It was only at the beginning of this century—on October 18, 1907—that a multilateral convention on the peaceful settlement of international conflicts was concluded in the Hague. Its aim, however, was not to prohibit war and violence in international relations. Article I says the agreement was concluded merely with the aim of preventing, *as far as possible,* recourse to force among states (italics mine —S.M.). According to Article II, the parties agreed that in the event of major differences or clashes, *before resorting to arms,* they would solicit, *if circumstances permit,* the good offices or mediation of one or several friendly powers (italics mine—S.M.).

The 1907 convention thus did not oblige states to resolve international disputes by peaceful means but merely expressed the wish that, before resorting to arms and if circumstances permitted, they employ peaceful means to iron out their differences. Actually, this convention served as a screen for the Great Powers to prepare for war. It was less than seven years after its conclusion that World War I (1914-18) broke out.

War as an instrument of aggrandizement was first qualified in human history as "the greatest of crimes against humanity" in the very first Soviet decree—the Decree on Peace of November 8, 1917. This Leninist decree was expressive of the qualitatively new nature of the socialist state in which there are no social classes interested in war and aggressive policy.

As a result of the Soviet State's efforts and the insistent demands of all peace-loving forces, war as a method of settling international disputes was legally banned. This ban was secured by the Paris Treaty (Briand-Kellog Pact) of August 27, 1928, which later served as a legal basis for the prosecution of German and Japanese war criminals, for preparing, unleashing and waging the aggressive war of 1939-45.

War and violence as means of resolving international disputes are prohibited most fully and comprehensively in the UN Charter which enjoins member-states to settle their international disputes "by peaceful means in such a manner that international peace and security, and justice,

are not endangered." The Charter urges them to refrain "in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the purposes of the United Nations".

These principles, which prohibit war and even the threat of force in the resolution of international disputes, including border conflicts, are binding on all states and not only on the UN members. The Charter says that the UN will ensure that the states which are not members of the organization act in accordance with these principles so far as it may be necessary for the maintenance of international peace and security.

None of the states outside the United Nations objected to these principles. That means that all the countries of the world without exception have agreed to observe them. Respect of territorial integrity is thus a binding standard of contemporary international law and one of the principles of the UN Charter.

The Soviet government's proposal for the conclusion of an agreement renouncing the use of force in settling border issues takes account of these gains in the sphere of international law and, as we shall see, develops them to ensure peaceful relations among all states.

Is It Necessary to Reaffirm the UN Charter?

Some Western newspapers, sowing distrust in the expediency of the agreement proposed by the Soviet Union, speak of "dismal historical experience". The *Washington Post*, for instance, wrote that the Paris Treaty of 1928, whose signatories had promised not to resort to war to resolve international issues, had failed to prevent World War II. That is true. But this happened because countries like Britain, France, the United States, Japan, Italy and Germany had turned this treaty into a screen for foreign policy manoeuvres. Germany, Japan and Italy used it as cover for war preparations and the United States, Britain and France encouraged its violation by attempts to set the Axis Powers against the Soviet Union.

Since then the world has changed a great deal. There is now a powerful camp of peace-loving forces capable of foiling imperialist plots. More and more statesmen are coming to realize that in this nuclear age war cannot be used as a means of resolving controversial issues, that peaceful co-existence is the only possible policy on which states can base their relations with one another. That is why the analogy between the international agreement proposed by the Soviet Union and the 1928 Pact is absolutely invalid.

The Soviet proposal envisages a whole series of legal provisions for settling international disputes. The principal of them are: "a solemn undertaking by the states, parties to the agreement, not to resort to force to alter the existing state frontiers" and "an undertaking to settle all territorial disputes exclusively by peaceful means, such as negotiations, mediation, conciliatory procedure, and also other peaceful means at the choice of the parties concerned, in accordance with the Charter of the United Nations Organization".

Since these provisions reaffirm the principles of the UN Charter, some Western newspapers and West German Chancellor Ludwig Erhard have persistently alleged that the Soviet proposal does not contain anything new and merely repeats a principle secured by the UN Charter and, consequently, would be hardly of any use.

The critics of the Soviet proposal pass over in silence the fact that it not only reaffirms the principles of the UN Charter but also concretizes them in adaptation to territorial disputes and border issues. The Soviet Government noted that "the proposed agreement would be a confirmation, specification and development of the principles of the United Nations Charter concerning the relations between states on territorial matters, an expression of goodwill and the determination of states firmly to abide by these principles".

Such reaffirmation and such concretization of the principles of the UN Charter are of profound practical significance. The Charter principles regarding behaviour of the UN members towards one another and all other states must not be interpreted as dogmas which paralyze all steps taken to relieve mankind of the calamities of war

On the contrary, the general principles of the Charter allow states to conclude, and they do conclude, regional agreements or agreements on concrete matters of international relations. These agreements usually note that, in concluding them, its signatories proceeded from the purposes and principles of the UN Charter. Very often they reaffirm or reproduce fully the basic principles of the UN Charter that are especially important for them. But, besides the legal aspect, there is also the practical aspect, and it should not be ignored.

The UN Charter was adopted almost two decades ago. Since then, the arms race has become immeasurably more dangerous, militarism and revanchism have revived in West Germany, the territorial integrity of many states has been grossly violated time and again. There is a real danger of border clashes developing into a thermonuclear war. In present-day conditions, reaffirmation and concretization of the principle of the inadmissibility of the threat or use of force in territorial disputes would give added strength to the UN Charter and enhance its authority.

There have been many cases in international affairs of legal principles being reaffirmed in new historical conditions. Almost ten years after the UN Charter had come into force, for instance, the principle of territorial integrity was reaffirmed in the Declaration on the Promotion of Universal Peace and Co-operation adopted by the Bandung Afro-Asian Conference. The newly independent Asian and African countries inherited complicated and acute border problems from the colonial states. It is not incidental, therefore, that the Charter of the Organization of African Unity, which was established in May 1963, reaffirms that the OAU members will not resort to force in settling territorial disputes and will resolve them exclusively by peaceful means.

The Soviet Union's proposal conforms to the principles of the United Nations. The Seventeenth General Assembly recommended the study of the principles of the UN Charter for the purpose of their progressive development and codification with a view to their more effective application (18th Session of the UN General Assembly, Document A 5671 of December 13, 1963.) The Eighteenth General Assembly set out to perform this major task. The agree-

ment proposed by the Soviet Union will make for the more effective application of the principles of peaceful co-existence recorded in the UN Charter.

Of Those Who Justify War

While prohibiting the threat or use of force in international relations, the UN Charter does not enumerate concrete instances which call for the unconditional observance of this principle. This is taken advantage of in Western law writings and, what is still worse, in international relations to undermine the Charter and weaken its effect.

Some Western jurists affirm that the use of force without any intention to violate territorial integrity or political independence is not contrary to the UN Charter. That is clear distortion of facts, for the Charter prohibits the use of force whatever the intentions of the state perpetrating violence.

There have of late been instances of attempts to justify attacks by claims that they are undertaken to "regain" territory and restore the frontiers that were violated in the past. Such arguments are utterly invalid too, for the UN Charter enjoins states to resolve their disputes peacefully.

The implementation of the Soviet proposal, which provides for a pledge by states "not to resort to force to alter existing boundaries", would raise a serious obstacle to those who covet other lands and help expose the aggressor whatever guise he might don.

The expediency of concluding an agreement on the renunciation of the use of force in territorial disputes also ensues from the fact that it is open to all states and not only to UN members.

I have said above that all the countries have promised to observe the principles of peaceful co-existence of the UN Charter in one way or another. Nevertheless, we must not overlook the fact that in certain countries there are elements who would undermine them. Some affirm that there is a common international law and that the "UN law", consequently, operates in a restricted sphere. The reason for the propagation of such views may be seen from a statement by H. Kelsen, an American jurist, who alleges that common international law does not prohibit the use of

force or war and that any state can resort to war if it considers that its rights have been violated by other states. (H. Kelsen, "Collective Security Under the Charter of the United Nations". *American Journal of International Law*, Vol. 42 (1948), p. 783.)

I have already said that international law forbids the state to use war as a means of resolving controversial issues. Nonetheless, some in the West hold an opposite view and, unfortunately, they find support. A general agreement on the prohibition of the use of force for settling territorial disputes, like the one proposed by the Soviet Union, would be a timely reply to the extremely dangerous attempts to make war a principle of contemporary international relations.

So far I have spoken only of the two basic provisions of the agreement proposed by the Soviet Union which reaffirm and concretize the corresponding articles of the UN Charter. But the Soviet proposal is not confined to them. It goes much farther, developing and detailing the principle of territorial integrity on the basis of the experience accumulated by the states of all the continents of the world.

As there are states with fundamentally different social systems, the policy of peaceful co-existence alone can secure a lasting peace on our planet. Consequently, all territorial and border disputes should be settled in conformity with the principles of peaceful co-existence.

The principle of territorial integrity extends to all countries without exception: big and small, socialist and capitalist. The UN Charter enjoins the states to refrain from the threat or use of force against the territorial integrity or political independence of *any state* (italics mine—S.M.). This obligation, therefore, is incumbent on all states, irrespective of their UN membership or social system.

A state becomes a full-fledged participant in international affairs the moment it comes into existence. Refusal to recognize any state does not entitle anyone, including the non-recognizing state, to violate its rights to sovereignty, territorial integrity, etc. Unfortunately, there is no dearth of facts testifying to violations of sovereignty following a change in the social system or gain of political independence. Just how dangerous this policy is for humanity

was vividly shown by the Caribbean Sea developments in the autumn of 1962, when attempts by bellicose US elements to cancel out the gains of the socialist revolution in Cuba brought the world to the brink of war.

In our day there are states which choose the non-capitalist path of development from the moment of their inception. Consequently, observance of the above-mentioned standards of international law is of great moment. The Soviet proposal envisages "a firm declaration that neither differences in social or state systems, nor denial of recognition or the absence of diplomatic relations, nor any other pretexts can serve as a justification for the violation by one state of the territorial integrity of another"..

The acceptance of the Soviet proposal and its registration as a general international law would be an important step in the development and concretization of the principles of peaceful co-existence in present-day conditions.

Lawlessness Under the Guise of "Self-Defence"

In recent years the strong, highly developed countries have time and again employed armed force against newly independent countries or nations striving for independence. Some of these international conflicts threatened to develop into a world war.

The parties guilty of armed aggression adduce all sorts of arguments to justify their lawless acts. One of the favourite pretexts is "defence of life and property" of their nationals living in the given country. The British government, for instance, sought to justify its attack on Egypt in 1956 by saying it was acting in self-defence, a concept which includes "defence of nationals". (Browulie, "International Law and the Use of Force by States", Oxford, 1963, p. 255.)

Speaking of defence, the above-mentioned Hyde writes that if the territorial sovereign cannot or does not want to ensure the personal safety of foreigners and their property, it may be expected that the states whose citizenship these foreigners hold will land or introduce its armed forces. Such action is justified, he affirms and adds that the United States has been proceeding from this principle

without hesitation. (Hyde, "International Law. Its Interpretation and Application by the United States of America", Moscow, Vol. 2, p. 420.)

When the United States undertook an armed intervention in the Lebanon in 1958, the pretext was "defence of interests of American citizens".

It was this same pretext the Belgian colonialists advanced to justify aggression against the Congo in 1960. (Browulie, *Op. cit.*, p. 297.)

Justifying the Anglo-French-Israeli aggression against Egypt in 1956, some Western jurists have said that neither the Paris Treaty of 1928 nor the UN Charter restricted the legal right to self-defence, whose substance was allegedly determined by common law. (Browulie, *Op. Cit.*, p. 299.) Amplifying this idea, its authors say that "common law" justifies recourse to "self-defence" not only to defend the life and property of nationals, but also to defend "national interests", "international interests", etc. In this connection, Prof. Charles Rousseau of France wrote: "It is difficult to determine with any accuracy the basic rights ensuring from the right to lawful defence inasmuch as some include, along with territorial integrity and political independence, defence in the open sea, defence of nationals as well as defence of economic interests." (Ch. Rousseau, "Principes de droit international public", "Recueil des cours de l'Académie de droit international de l'Haye", 1958-1, p. 540.)

There are naturally no such difficulties, for the UN Charter states unambiguously that the right to self-defence legally comes into operation only "if an armed attack occurs".

The invalid "concept" of self-defence is of the same category as the view held in the West that "military operations undertaken by one state at the request of another in reply to aggression or threat of aggression are lawful". This view, however, is contrary to the above-mentioned UN Charter clause. To accept it is to sanction gross abuse of armed force. For the imperialist states interpret "aggression" and "threat of aggression" as something including nationalization, demands for the abrogation of shackling treaties, revolutionary movements, and many other things.

To prevent abuse of armed force it would be very useful to elaborate an international law which would catego-

rically prohibit states to invade alien territory or to turn it into an object of military occupation *on any pretext whatsoever.*

Just Demands

The Western Powers often seek to justify military occupation and maintenance of bases on foreign territory by earlier agreements with the countries concerned. "The way such agreements were concluded in the past is no secret to anyone: the stronger imposed his will on the weaker," declares the Soviet Government. "At present the countries which were compelled at one time to lease their territories for the construction of foreign bases, find it difficult to tolerate them on their territories and demand the dissolution of the treaties on war bases, the restoration of these territories to them, dismantling of bases and withdrawal of foreign troops. These just demands should be satisfied."

For instance, the United States seeks to perpetuate its military occupation of the Cuban territory in Guantanamo Bay and the Panama Canal Zone under the cover of obsolete clauses of treaties which were imposed on Cuba and Panama more than sixty years ago and which are incompatible with the elementary standards of contemporary international law.

Cuba's and Panama's demands for the return of these territories are absolutely justified from the viewpoint of international law.

The Western jurists who uphold unequal treaties have elaborated a theory justifying fractionalization of state sovereignty. State sovereignty, however, cannot be fractionalized. It cannot be alienated partly or fully by another state. Such alienation is unlawful, for it demolishes the very concept of state sovereignty and its legal substance.

A state, for instance, cannot be deprived of an attribute of sovereignty like territorial administration on all or part of its territory even if this is attended by the conclusion of an international treaty. A deal of this sort would deprive one of the parties of the possibility of exercising its sovereign rights on its territory and would be wholly at variance both with the principle of respect for state sover-

eignty and with the principle of equality of states—the principles on which contemporary international law is based. That is why such an "agreement" would be invalid.

The division of sovereignty and its exercise by another state are sometimes justified by references to analogous occurrences which in themselves are a violation of international law. Characteristic in this respect is the following statement by Prof. A. Verdross of Austria: "Territorial sovereignty is usually identified with territorial administration. Actually, these concepts are not identical. This is clear from the very fact that a state may exercise territorial sovereignty over a given territory while territorial administration over this same territory is in the hands of another state. The United States, for instance, exercised (and still exercises—S.M.) territorial administration in the Panama Canal Zone while territorial sovereignty remained the prerogative of the Republic of Panama." (A. Verdross, "International Law", Foreign Literature Publishing House, Moscow, 1959, p. 235.)

Prof. Verdross is wrong, from our point of view, when he says a state can be deprived of its right of territorial administration, but he further rightly notes that "inasmuch as territorial sovereignty is a right given a state by common international law to do with the given territory at its discretion, the territorial sovereign can display complete mastery here: it can put an end to other states using this territory..." (A. Verdross, *Op. cit.*, 1959, pp. 236—237.)

From the legal angle, the present situation in the Panama Canal Zone is similar to that which prevailed a few years ago in the Suez Canal Zone where Britain maintained troops and military installations under the unequal Anglo-Egyptian treaty of 1936. They were evacuated on Egypt's demand after it had abrogated the 1936 treaty in 1953. Egypt's action fully accorded with international law and even Britain agreed with it.

A like legal situation prevails in Guantanamo Bay, where the United States maintains a naval base under the unfair treaty of 1903 and contrary to Cuba's wishes.

It may be recalled that some time ago the United Nations gave its weighty utterance about military bases on foreign territory. At its special session on August 25, 1961,

the General Assembly adopted a resolution saying the presence of the French armed forces on the Tunisian territory despite the clearly expressed wishes of the Tunisian government and people constituted a violation of Tunisia's sovereignty, created a constant source of international friction and jeopardized world peace and security.

The General Assembly recognized Tunisia's sovereign right to demand the withdrawal of all the French armed forces and urged the interested countries to work out peaceful and co-ordinated measures for the withdrawal of all French troops from the Tunisian territory. (United Nations. General Assembly. Official Reports. Third Special Session. Supplement No. 1/A/4860.) The French base in Bizerta was closed in 1963.

In this particular case, the UN General Assembly applied the general principle of international law on respect of sovereignty, a principle applicable to all other similar situations. In his reply to the Soviet proposals President Johnson affirmed that the US armed forces were abroad for collective defence under the treaties and agreements with the countries concerned. There are no facts to substantiate this point of view. Against whom, for instance, is the United States "defending" itself in the Panama Canal Zone? Ignoring the UN Charter, it grossly violates the sovereignty of the Panamanian people and state over the Panama Canal Zone.

The existence of military bases cannot be justified by assertions that they are "defence" facilities. Powerful missiles make it senseless to maintain bases for defence purposes on foreign territory. In present conditions they are important only as bridge-heads for surprise attacks and for dominating other countries and peoples.

The question of removing bases from foreign territory cannot be included in the category of territorial disputes. Cuba's demand for the return of her territory in Guantanamo Bay and Panama's demand for the return of the Panama Canal Zone should not be regarded as claims by parties to settle a territorial dispute. From the point of view of international law, the situation in these cases is crystal clear: it is a question of putting an end to lawless acts perpetrated against these countries.

The numerous cases of armed aggression and violation of territorial integrity and the methods employed to justify them testify to the need to conclude an international agreement in amplification of the UN Charter principles. The Soviet government has proposed that such an agreement should envisage "recognition that the territory of states should not, even temporarily, be the object of any invasion, attack, military occupation or any other forcible measures directly or indirectly undertaken by other states for whatever political, economic, strategic, frontier, or any other considerations".

We might point out that the Soviet proposal accords with the spirit of Article II of the Inter-American Convention of 1933 on the rights and duties of states. This article said the territory of states was inviolable and could not be an object of military occupation or any other coercive measures undertaken by another state, directly, indirectly or for any reason, even if temporarily. (See "The International Conferences of American States", First Supplement, 1933—40, Washington.)

Alas, the present-day advocates of military occupation and bases have done their best to forget the article which does not suit them.

National Self-Determination and Territorial Problems

I have spoken above chiefly of territorial disputes and issues linked with the territorial integrity of states which have established frontiers. But there are territorial problems bound with the liberation of nations which have not yet gained political independence.

According to contemporary international law, national borders are determined by popular will on the basis of national self-determination. A territory is the property of the nation populating it. It stands to reason that the territory of a colonial nation, that is, of a nation which has not yet achieved independence, cannot be considered a component part of the metropolitan country. There are no legal grounds, for instance, for the clause of the Portuguese constitution which classifies the colonies as "Portuguese territories".

The colonial peoples' right to independence is absolutely indisputable. It is reflected in the UN Charter which binds its members "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples". The UN Declaration on the Granting of Independence to the Colonial Countries and Peoples, adopted on the initiative of the USSR, stresses that the subordination of peoples to alien rule is inadmissible and that refusal of freedom or creation of obstacles in its way impairs friendly relations among nations and is fraught with grave danger to world peace.

The principle of self-determination of peoples is a very important achievement of contemporary international law. It has come into being in the course of human development and it would be useless to revise this principle.

Experience shows that the peoples of the colonial countries strive to gain independence by peaceful means. Quite often, however, they are forced to take up arms and wage national-liberation wars. This happens when their lawful demands for the abolition of colonial regimes are suppressed by armed force.

In their replies to the Soviet proposals, President Johnson and the then Prime Minister Sir Alec Douglas-Home challenge the legality of national-liberation wars and anti-colonial revolutions. This is not the first time we hear that national-liberation wars are inadmissible. Such a view is persistently propagated in some Western countries. Ironically enough, this is done in the United States which itself won statehood as a result of a national-liberation war.

Just how unjustified such views are may be seen from the struggle waged by the peoples of Angola, Mozambique and other Portuguese colonies. The Lisbon government brazenly ignores their just demands and violates the UN Charter, the Declaration on the Granting of Independence to the Colonial Countries and Peoples, and the special UN resolution on Portuguese colonies. It is trying to quash by armed force the national-liberation movement on the territories seized by Portugal.

Can the peoples of Mozambique and Angola be denied the right to wage a sacred war against freedom-killers? No, they cannot be denied this right because the actions of the colonial authorities and the Lisbon government infringe upon an inalienable right and, consequently, must be

qualified as an international crime. If a people realizing its right to independent existence is hampered from doing so by armed force, it can rise in arms against the enslaver and aggressor. This is one of the fundamental rights envisaged by international law.

That this is precisely how the problem of national-liberation wars should be interpreted is clearly proved by post-war developments in international relations. All the former colonies which won political independence with arms in hand have been admitted to UN membership without any delay.

Consequently, in the case of self-determination of colonial peoples, there are no grounds for affirming that national-liberation wars are inadmissible. On the contrary, the states are as in duty bound to resist the criminal attempts at preserving and perpetuating the colonial yoke by force of arms.

In the world of today we also have territorial ussues arising from the fact that there are countries which did not deliver all their territories from colonialist rule or alien military occupation when they liberated themselves. A case in point is Taiwan, which is a component part of the People's Republic of China and is illegally occupied by US troops.

Demands for the withdrawal of foreign troops occupying a territory which is a component part of a state which has won freedom and independence are just and legitimate. They must be satisfied unconditionally. This is confirmed, for instance, by the recent reunification of West Irian with Indonesia. This Indonesian territory was held by Holland for many years after the establishment of the Republic of Indonesia. Indonesia's perseverance resulted in the return of West Irian which was secured by the agreement concluded by Indonesia and Holland through the good offices of the United Nations.

At the end of 1961 India liberated Goa, Diu and Daman from Portuguese rule. The attempts of Portugal's NATO allies to hamper this action under the cover of the UN flag failed.

Unfortunately, some Western jurists persist in justifying the seizure and occupation of part of the territory of liberated countries.

Prof. Fitzmaurice of Britain, for instance, considers that racial or national community in itself does not justify territorial rights. (Fitzmaurice, "The General Principles of International Law". "Recueil des cours de l'Académie de droit international", 1957-II, Vol. 92, p. 149.) In his opinion, without actual possession of a territory right to it cannot be valid. A new state, he says, has a right to a territory if at the moment of its creation it comes into effective possession of this territory or if it is constantly in effective possession of it. (Ibid., p. 148.)

In other words, if the newly independent state has been prevented by force from extending authority to part of its territory, this territory remains in the hands of the invader who, according to Fitzmaurice, has "acquired" it legally.

Of course, contemporary international law does not consider "effective possession" a sufficient ground for determining the ownership of and sovereignty over a territory. The Declaration on the Granting of Independence to the Colonial Countries and Peoples, developing the principle of national self-determination secured in the UN Charter, characterizes as inadmissible any attempts to impinge upon the territorial integrity of newly independent countries.

Still another problem associated with the territorial question, dealt with in the Soviet Government proposal, is the problem of uniting Germany, Korea and Vietnam. Each of these countries has since the war found itself divided into two states with different social systems. "The desire of the peoples of these countries for unification should be treated, of course, with understanding and respect. It goes without saying, however, that the question of reunification should be settled by the peoples of these countries and their governments themselves, without any interference or pressure from the outside and, certainly, without foreign military intervention—occupation, as is actually the case, for instance, in South Korea and South Vietnam.

"No force should be used in settling this question and the peoples of those countries should be given an opportunity to solve the problems of unification by peaceful means. All other states should contribute to this," the Soviet Government states.

Experience of Peaceful Settlement

The Soviet-proposed agreement on the renunciation of force in the settlement of territorial disputes and border issues does not at all aim at preserving the present status quo and cancelling out the problems existing in this field. There are some territorial problems that have been resolved unfairly and injustice, naturally, should not be perpetuated. Some states have good grounds for territorial claims. The parties to disputes should thrash them out thoroughly and settle them without resorting to military means, solely by peaceful methods. That is precisely what the states should agree upon and secure by an appropriate international treaty.

The history of international relations shows that the settlement of complicated and acute territorial disputes by peaceful means is not only indispensable but feasible, although it often requires restraint, patience and time. Soviet Government rightly says: "A peaceful settlement of territorial disputes is also favoured by the fact that in the practice of international relations there already exists a store of improved methods of peaceful settlement of outstanding issues: direct negotiations between the states concerned, practice of good offices, request for assistance from international organizations, etc."

Indeed, whenever states abide by the principles of peaceful co-existence, display goodwill and due regard for each other's interests, they are quite able to find their way out of the most complicated territorial disputes. They have worked out diverse methods of settling territorial and border issues in a way which takes account of the will and wishes of the population as well as other methods which they apply voluntarily and with the aim of establishing friendly equal relations. The latter include exchange of territories on a basis of mutual benefit, cession of some area to restore justice, lease of territory on equitable terms, joint exploitation of disputed areas, demilitarization, neutralization, "freezing" of claims and so on.

Let us quote a few latter-day examples. The Soviet Union has accumulated quite a bit of instructive and diversified experience in resolving territorial issues. From its very inception, the Soviet state has implicitly imple-

mented the principle of national self-determination. Immediately after the October Revolution the Soviet government denounced the policy of seizing alien territory and enslaving peoples, and annulled the treaties tsarist Russia had concluded with its Entente allies to divide Turkey and Iran. Under the treaty concluded in 1921 by the Russian Federation and Persia, the Soviet government renounced the right usurped by tsarist Russia to use the islands off the coast of Asterabad Province and turned over to Iran the port of Enzeli and certain other facilities on its territory.

The Soviet Union has established frontiers on a just and good-neighbour basis. Take, for example, its frontier relations with Afghanistan. In the past, the latter's borders were determined by the imperialist powers as they saw fit. Under the Anglo-Russian Agreement of 1873, the Russo-Afghan frontier passed along the left (southern) bank of the Amu-Darya River and all the islands in the river belonged to Russia. Afghanistan was deprived of the possibility of using the Amu-Darya. In 1926 the Soviet Union handed over to Afghanistan the island of Urta-Tugai. The 1946 Agreement established the Soviet-Afghan frontier along the thalweg of the Amu-Darya and in the middle of the river in its unnavigable part. These changes are of major economic and political importance for Afghanistan.

Peace and quiet reign on the Soviet-Finnish border. In his reply to the Soviet Government proposals, President Urho Kekkonen said: "For centuries border disputes between Finland and Russia repeatedly led to wars which—irrespective of the direction in which the border was shifted—always brought much suffering to the two peoples and kept up their enmity and distrust of each other. It is with profound satisfaction that I take this opportunity to note that this period of wars is now definitely a thing of the past. The frontier between Finland and the Soviet Union has become a frontier of peace... Our mutual experience shows that even difficult problems can be resolved by negotiations with due respect for the interests of the two countries."

In Panama, blood flows because the United States wants to perpetuate its unlawful domination of the Panama Canal Zone, which belongs to this little country, by force of arms. The Soviet Union, on the other hand, hands over

to its small neighbour, Finland, its own part of the Saimaa Canal. That is a very instructive example in the settlement of territorial issues by peaceful means. The reconstruction of the canal will do away with costly transshipments, for Finland will then be able to ship cargoes directly to Hamburg, Amsterdam, London and other foreign ports.

Territorial and frontier issues among the socialist countries are resolved on the basis of proletarian internationalism and in the spirit of fraternal co-operation. Very illustrative, in this respect, is the settlement of the question regarding the Soviet-Polish frontier. There are no territorial disputes between these two countries. At one time it became expedient for them to exchange frontier areas and this was done in 1951 with due respect for their interests. The Soviet Union turned over to Poland a part of Drogobych Region in return for an equal territory in the area of Lublin Region.

The frontier along the Oder and the Western Neisse, established in accordance with the Potsdam Agreement, has become—says the 1950 Agreement between Poland and the German Democratic Republic—"an inviolable frontier of peace and friendship which, instead of dividing the two peoples, unites them"

The states have amassed much experience in solving territorial problems not only by bilateral negotiations but also by means of multilateral agreements. One good example is the resolution of the Antarctic problem. Shortly after World War II there were serious territorial disputes over Antarctica. The parties to these disputes even resorted to show of force and threats to use it. A critical international situation arose. A sensible way out was found in negotiations which culminated in the conclusion of an international treaty on Antarctica. This treaty, signed in December 1959, proclaims the continent a zone of peace and allows only peaceful activity on it. Military measures and nuclear tests have been prohibited and all territorial claims and differences "frozen". Any country is now free to carry out any scientific investigations in Antarctica.

An increasingly important role in the settlement of territorial questions is played by international organizations. A welcome initiative in this connection has been displayed by the Organization of African Unity (OAU). It helped bring about a ceasefire on the Algero-Moroccan border in

October 1963 and on the Ethiopian-Somali border this February. After the ceasefires, the OAU Council of Ministers and General Secretariat undertook constructive steps to settle the conflicts peacefully.

The United Nations has also accumulated some experience in this field. But this experience has not always been of positive value. One cannot forget, for instance, the negative role played by UN troops in the Congo in 1960. Instead of defending this country's independence and territorial integrity, they began to help the colonialists to sever Katanga Province from Congo and overthrow Patrice Lumumba's legitimate government. Such unfortunate occurrences in UN activity should not be allowed to repeat themselves.

This important world organization, if it takes an objective approach, can make a positive contribution to peaceful settlement of territorial disputes. I have said above that the General Assembly has adopted a series of just resolutions on territorial problems, notably on the withdrawal of the French armed forces from the Tunisian territory. In the final stage of Indonesian-Dutch negotiations the United Nations helped peacefully settle the West Irian question by mediating in the conclusion of the agreement between the two countries.

These examples, while not exhausting the list of peaceful territorial settlements, are eloquent proof of the fact that it is really possible to resolve all territorial disputes on the basis of the principles of peaceful co-existence.

"The Soviet Government is firmly convinced," writes Soviet Foreign Minister A. Gromyko in his letter to U Thant, UNO Secretary-General, "that the United Nations Organisation can and must make its contribution to ensuring that all territorial and border disputes be settled not by force or threats to use force but through peaceful means only. This is a duty ensuing from the very essence of the UNO Charter, from the principles on which this organisation is based. Having signed the Charter, the member-states of the UNO committed themselves to support the idea of denouncing the use of force in settling territorial disputes and border issues and to do their best to work out a respective international agreement.

"The UNO cannot keep aloof from this vital cause

whose realization would open up a new stage in international relations.

"The Soviet Government expressed the hope that the 19th Session of the General Assembly would pay special attention to the issue "On Denounciation of the Use of Force by States in Settling Territorial and Border Disputes."

The international agreement the Soviet proposal speaks of could create a clear-cut system for determining ways and means of peacefully resolving territorial differences. In our day it is not only necessary but possible to take a decisive step towards the settlement of all border issues through negotiations.

Acceptance of the Soviet proposal, which takes into account the experience accumulated in international relations, would be an important step towards disarmament and banishment of war from the life of society.